IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3887 OF 2005

Shri Subhash Baburao Kapase ..Petitioner.

Versus

Smt. Subha Maruti Yadav & Ors. ..Respondents.

Mr. N.J. Patil for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 25TH JULY, 2005.

P.C.:

1. The petitioner has challenged the order of the trial court, impounding the document which is produced in the suit filed by the respondents. The respondents have challenged the document in question, which is in the form of authority given to the petitioner, who is the developer of the property in question. The learned trial court has observed that the value of the property mentioned in the document is Rs.25 lakhs and therefore, it is necessary to impound the document, which has not been property stamped. In my view the

trial court has correctly found the document to be inadequately stamped. The document is admittedly, executed after 07.02.1990 when clause (g-a) was inserted in Article 5 to the first Schedule of the Bombay Stamp Act, 1958. Clause (g-a) reads as follows :-

> (g-a) if relating to giving authority or power to a promoter or a developer, by whatever name called, for construction on, development of or, sale or transfer (in any manner whatsoever) of, any immovable property.

2. In this view of the matter, there is no merit in this petition which is hereby dismissed.

25.07.2005 (S.A.BOBDE,J.)